

**JOURNAL OF THE HOUSE.**

Tuesday, April 23, 2002.

Met according to adjournment, at two o'clock P.M., with Mrs. Harkins of Needham in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Almighty God, we open our hearts, minds and total being to You and humbly ask for Your assistance and guidance as we take up the ordinary as well as the complex legislative issues which demand our attention and action. In this era of possible terrorist activities, threats and stressful uncertainties, teach us to make measured, thoughtful and just responses to the challenges of the times. As elected leaders who represent the best interests of the people, inspire us to be fearless in our quest for integrity, committed in our search for truth and patient in listening to the just concerns of people. May we continue to build a country and communities in which equal opportunities are open and available to all.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mrs. Harkins), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

*Special Communication.*

The following communication, together with returns of votes and schedules therein referred to, was received from the Secretary of the Commonwealth, to wit:—

Commonwealth of Massachusetts  
Office of the Secretary  
State House, Boston 02133

April 17, 2002.

*To the Honorable House of Representatives:*

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the ninth day of April, 2002, for Representative in General Court, 1st Hampshire District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

These returns have been duly canvassed by the Acting Governor and Council, and are now transmitted for examination by the House of Representatives, as required by the Constitution.

Very truly yours,

WILLIAM FRANCIS GALVIN,  
*Secretary of the Commonwealth.*

The communication was read; and, there being no objection, it was placed on file.

*Member Qualified.*

During the session, the Chair (Mr. DiMasi of Boston) announced that Peter V. Kocot of Northampton had, on Wednesday, April 17, taken and subscribed the necessary oaths of office; and was now duly qualified as a member of the House. The Chair further stated that the Speaker had assigned Representative Kocot of the First Hampshire District to seat No. 105.

*Statement Concerning Representative Golden of Lowell.*

A statement of Mr. Nangle of Lowell concerning Mr. Golden of Lowell was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Golden of Lowell, will not be present in the House Chamber for today's sitting due to a family medical emergency. Any roll calls that he may miss today will be due entirely to the reason stated.

*Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Ms. Donovan of Woburn) congratulating the Tidd Home of Woburn on the occasion of its 150th anniversary;

Resolutions (filed by Ms. Fox of Boston) congratulating the Prince Hall and African Lodge #459;

Resolutions (filed by Mr. Larkin of Pittsfield and other members of the House) commending the Republic of China on its contributions to promote world health; and

Resolutions (filed by Mr. O'Brien of Kingston) congratulating Joseph Allen, Jr., on receiving the Eagle Award of the Boy Scouts of America;

Mr. Honan of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the Rules, in each instance, on motion of Mr. O'Brien, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Communication.*

A communication from the Secretary of the Executive Office for Administration and Finance (under the provisions of Section 3B of Chapter 7 of the General Laws) transmitting notice relative to proposed changes in fees for licenses, permits and services to be charged by the Board of Registration in Pharmacy for the licensing of pharmacy technicians, was placed on file.

*Papers from the Senate.*

The following order (reported from the committees on Rules of the two branches, acting concurrently) came from the Senate with the endorsement that it had been adopted by said branch:

*Ordered*, That notwithstanding the provisions of Joint Rule 10, joint standing committees and the committees on Rules of the two branches, acting concurrently, be granted until Friday, May 10, 2002, within which to make reports on matters referred to them.

Under suspension of the Rules, on motion of Mr. Scaccia of Boston, the order was considered forthwith; and it was adopted, in concurrence.

A Bill authorizing the certification and appointment of Stephen E. Granlund as a police officer in the town of Ware (printed as House, No. 4515) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to an inspection of the North Central Correctional Institution in the city of Gardner, was spread upon the records of the House; and returned to the Senate.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 0000) of Harriette L. Chandler, David C. Bunker, Jr., and Robert Spellane for legislation relative to certain apportionments of expenses of regional school districts. To the committee on Education, Arts and Humanities.

Petition (accompanied by bill, Senate, No. 0000) of Susan C. Fargo, John J. Binienda, Bruce E. Tarr, Barry R. Finegold and other members of the General Court for legislation relative to the waste to the energy grant program. To the committee on Energy.

Petition (accompanied by bill, Senate, No. 0000) of Bruce E. Tarr, Anthony J. Verga, Brian M. Cresta, Shirley Gomes and other members of the General Court for legislation relative to the reporting of crimes committed by or upon persons on mental health facility premises or persons in care of the Department of Mental Health. To the committee on Human Services and Elderly Affairs.

*Reports of Committees.*

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Ken Moulton relative to protecting the public health from toxic mold. To the committee on Health Care.

Petition (accompanied by bill) of Thomas N. George relative to the granting of furloughs to committed offenders for the purpose of attending certain funerals. To the committee on Human Services and Elderly Affairs.

Petition (accompanied by bill) of Thomas N. George, Scott P. Brown and Philip Travis relative to the protection of certain real estate from the removal of minerals. To the committee on the Judiciary.

Under suspension of the Rules, on motion of Mr. Rushing of Boston, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Mr. Scaccia of Boston, for the committee on Rules, asking to be discharged from further consideration of the residue of the Order relative to authorizing the committee on Taxation to make an investigation and study of certain House documents concerning tax burdens, tax incentives, personal income tax and various other related matters (House, No. 4520),— and recommending that the same be

recommitted to the committee on Taxation. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Bosley of North Adams, for the committee on Government Regulations, on House, Nos. 256, 257, 259, 804, 1002, 1579, 2519, 2897, 3087, 3090, 3867 and 4071, an Order relative to authorizing the committee on Government Regulations to make an investigation and study of certain House documents concerning alcoholic beverages, communication towers and utility companies (House, No. 5031).

By Mr. Cabral of New Bedford, for the committee on Human Services and Elderly Affairs, on House, Nos. 278, 283, 457, 1399, 1404, 1409, 2190, 2331, 2332, 2333, 2337, 2341, 3110, 3331, 3335, 3337, 3341, 3348, 3736 and 4654, an Order relative to authorizing the committee on Human Services and Elderly Affairs to make an investigation and study of certain House documents concerning services to all residents of the Commonwealth (House, No. 5032).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

#### *Engrossed Bills.*

Engrossed bills

Relative to the licensing of insurance producers (see House, No. 28, changed and amended);

Authorizing the town of Mashpee to grant additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4234);

Relative to civil service preference of the children of Alton Grindle for appointment for fire service (see House, No. 4611);

Exempting the position of chief of police in the city of Fitchburg from the Civil Service Law (see House, No. 4881); and

Designating a certain road and bridges in the Commonwealth (see House, No. 4992);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

*Engrossed Bill — Land Taking.*

The engrossed Bill authorizing the town of Braintree to convey a certain parcel of town forest land (see House, No. 4926, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 144 members voted in the affirmative and 0 in the negative.

**[\[See Yea and Nay No. 276 in Supplement.\]](#)**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Reconsideration.*

Mr. Rogers of Norwood moved that the vote be reconsidered by which the House, on Thursday, April 18, passed to be engrossed the House Bill relative to school committee members (House, No. 783, changed); and the motion to reconsider prevailed.

Pending the recurring question on passing the bill to be engrossed, the same member moved that it be amended in line 11 by inserting after the word "Association." (as printed) the following sentence: "The orientation, if provided by said Association, shall be provided as part of the membership benefits that are afforded to each school committee that is a paid member of said Association and no additional fees shall be charged to school committee members from such member committees for the provision of said orientation."

The amendment was adopted; and the bill (House, No. 783, changed and amended) was passed to be engrossed. Sent to the Senate for concurrence.

*Recesses.*

At six minutes after two o'clock P.M., on motion of Mr. Demakis of Boston (Mrs. Harkins of Needham being in the Chair), the House recessed until half past two o'clock P.M.; and, at sixteen minutes before three o'clock, the House was called to order with Mr. DiMasi of Boston in the Chair.

At twenty minutes before four o'clock P.M., on motion of Mr. Scaccia of Boston (Mr. DiMasi being in the Chair), the House recessed until ten minutes before four o'clock; and at four minutes after four o'clock the House was called to order with Mr. DiMasi in the Chair.

*Motion to Adjourn.*

Mr. Peterson of Grafton moved, at five minutes after four o'clock P.M. (Mr. DiMasi of Boston being in the Chair) that the House adjourn.

On the motion to adjourn, the sense of the House was taken by yeas and nays, at the request of Ms. Balser of Newton; and on the roll call 30 members voted in the affirmative and 113 in the negative.

**[\[See Yea and Nay No. 277 in Supplement.\]](#)**

Therefore the motion to adjourn was negatived.

*Paper from the Senate.*

The Senate Bill requiring certain religious officials to report abuse of children (Senate, No. 2230) came from the Senate with the endorsement that said branch had concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4934) with further amendments striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2316; and inserting before the enacting clause the following emergency preamble:

*“Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to mandate the reporting of abuse by certain religious officials and to protect the victims of child abuse, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.”.*

Under suspension of Rule 35, on motion of Mr. Broadhurst of Methuen, the further amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith.

Mr. Cabral of New Bedford then moved that the House concur with the Senate in its further amendments with a still further amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5034.

After debate on the question on adoption of the still further amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 143 members voted in the affirmative and 1 in the negative.

**[\[See Yea and Nay No. 278 in Supplement.\]](#)**

Therefore the still further amendment was adopted.

The House then concurred with the Senate in its further amendments, as amended. Sent to the Senate for concurrence in the House still further amendment.

*Recess.*

At four minutes after five o'clock P.M., on motion of Mr. Scaccia of Boston) (Mr. DiMasi of Boston being in the Chair), the House recessed until the hour of one o'clock P.M. on Wednesday, April 24;

and at that time, the House was called to order with Mr. Petrolati of Ludlow in the Chair.

**Wednesday, April 24, 2002 (at 1:00 o'clock P.M.).**

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, we pause for a moment of prayer and spiritual reflection to recognize and to acknowledge Your presence in our midst and to proclaim our belief and trust in You. As citizens of this great and diverse country and population, our intellect and our faith remind us of the unity of the human family, Your family. In Your kindness, help us to serve You and the people, who depend upon our good daily judgments, conscientiously, faithful and fairly. During these uncertain economic times direct our legislative efforts to select realistic goals, clear priorities and reasonable choices. Let the Spirit's gift of wisdom guide our decision making process, the gift of understanding clarify the insights and views of others and the gift of fortitude strengthen our commitment to high principles and traditional religious beliefs and practices.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

*Statement of Representative Bosley of North Adams.*

A statement of Mr. Bosley of North Adams was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for the remainder of today's sitting due to official business outside of the State House. Any roll calls that I may miss today will be due entirely to the reason stated.

*Statement of Representative Caron of Springfield.*

A statement of Mr. Caron of Springfield was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for the remainder of today's sitting due to a family commitment. Any roll calls that I may miss today will be due entirely to the reason stated.

*Statement Concerning Representative Kaprielian of Watertown.*

A statement of Mr. DiMasi of Boston concerning Ms. Kaprielian of Watertown was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kaprielian of Watertown, will not be present in the House Chamber for today's sitting due to illness. Any roll calls that she may miss today will be due entirely to the reason stated.

*Statement of Representative Knuutila of Gardner.*

A statement of Mr. Knuutila of Gardner was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for the remainder of today's sitting due to official business outside of the State House. Any roll calls that I may miss today will be due entirely to the reason stated.

*Communications.*

Communications

From the Department of Transitional Assistance (under item 4408-1000 of Section 2 of Chapter 177 of the Acts of 2001) submitting a determination by the Secretary of Health and Human Services that available appropriations for certain programs administered by said department will be insufficient to meet projected expenses; and

From Wonderland Greyhound Park, Inc. (under Paragraph 7 of Section 2 of Chapter 128C of the General Laws) submitting copies of contracts for the simulcasting of dog races;

Severally were placed on file.

*Semi-annual Report.*

The semi-annual report of the Massachusetts Turnpike Authority (under Section 17 of Chapter 3 of the Acts of 1997) relative to the status and schedule of the construction of the central artery tunnel project, was placed on file.

*Petition.*

Mr. Toomey of Cambridge presented a petition (accompanied by bill, House, No. 5035) of Timothy J. Toomey, Jr., Alice K. Wolf, Jarrett T. Barrios and Paul C. Demakis (with the approval of the mayor and city council) relative to the retirement of certain police officers in the city of Cambridge; and the same was referred to the committee on Public Safety. Sent to the Senate for concurrence.

*Report of Committee on an Initiative Petition for an*

*Initiative Amendment to the Constitution.*

Mr. Dempsey of Haverhill, for the committee on Public Service, on the initiative petition of Bryan G. Rudnick and others for an Initiative amendment to the Constitution relative to the protection of marriage (House, No. 4840),— reported in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said initiative petition (see House, No. 4840), ought NOT to pass [for majority report, see Senate document numbered 2335].

The report was read; and placed on file, in accordance with the requirements of said rule.

*Recesses.*

At four minutes after one o'clock P.M., on motion of Mr. Flynn of Bridgewater (Mr. Petrolati of Ludlow being in the Chair), the House recessed until two o'clock P.M.; and at eight minutes after two o'clock the House was called to order with Mr. DiMasi of Boston in the Chair.

The House thereupon took a further recess, on motion of Mr. Scaccia of Boston (Mr. DiMasi being in the Chair), until three o'clock; and at seventeen minutes after three o'clock the House was called to order with Mr. DiMasi in the Chair.

*Orders.*

An Order (filed by Mr. Scaccia of Boston) relative to the procedures for consideration of the General Appropriation Bill for fiscal year 2003 (House, No. 5033), having been reported from the committee on Rules, under the provisions of House Rules 7B and 7C, was considered.

Pending the question on adoption of the order, Mr. Marini of Hanson and other members of the House moved that it be amended in lines 00 and 00 by striking out the following: "noon on Monday, April 29"; and inserting in place thereof the following: "5 P.M. on Tuesday, April 30".

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Scaccia of Boston; and on the roll call 147 members voted in the affirmative and 1 in the negative.

**[\[See Yea and Nay No. 279 in Supplement.\]](#)**

Therefore the amendment was adopted.

Mr. Marini of Hanson and other members of the House then moved that the order be amended by inserting after proposed Rule 73A the following rule:

"73B. No amendment enhancing or reducing state tax revenue to the Commonwealth shall be in order to be offered to the General Appropriation Bill for Fiscal Year 2003. This rule shall cease to exist upon passing to be engrossed said General Appropriation Bill."

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 65 members voted in the affirmative and 80 in the negative.

**[See Yea and Nay No. 280 in Supplement.]**

Therefore the amendment was rejected.

Mr. Peterson of Grafton then moved that this vote be reconsidered.

After debate on the motion to reconsider, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 51 members voted in the affirmative and 92 in the negative.

**[See Yea and Nay No. 281 in Supplement.]**

Therefore the motion to reconsider was negated.

Mr. Hynes of Marshfield then moved that House Rule 7B be suspended in order that the House might continue to debate the question on adoption of the pending order.

On the motion to suspend House Rule 7B, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 60 members voted in the affirmative and 84 in the negative.

**[See Yea and Nay No. 282 in Supplement.]**

Therefore the motion to suspend House Rule 7B was negated.

On the question on adoption of the order, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Marini of Hanson; and on the roll call 80 members voted in the affirmative and 63 in the negative.

**[See Yea and Nay No. 283 in Supplement.]**

Therefore the order (House, No. 5033, amended) was adopted.

The following order (filed by Mr. Finneran of Boston) was considered:

*Ordered*, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

After remarks on the question on adoption of the order, Mr. Jones of North Reading moved that it be amended by adding at the end thereof the following: “; provided that any member may offer an amendment to the General Appropriation Bill for Fiscal Year 2003 at any time prior to engrossment of the bill.”.

Mr. Petrolati of Ludlow thereupon raised a point of order that the amendment offered by the gentleman from North Reading was improperly before the House for the reason that it went beyond the scope of the pending order.

The Chair (Mr. DiMasi of Boston) ruled that the point of order was well taken; and the amendment was laid aside accordingly.

Mr. Jones thereupon appealed from the decision of the Chair; and the appeal was seconded by Mr. Peterson of Grafton.

The question was then put "Shall the decision of the Chair stand as the judgment of the House?".

After debate the decision of the Chair was sustained.

The order (House, No. 5033, amended) then was adopted.

Mr. Scaccia of Boston then moved that the House adjourn; and the motion prevailed. Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at twenty-eight minutes after five o'clock P.M. (Wednesday, April 24) (Mr. DiMasi of Boston being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.

